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INDONESIA & EAST TIMOR

Update on the 12 November Protests

23 NOVEMBER 1994 SUMMARY AI INDEX: ASA 21/56/94

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In a report published on 15 November, Amnesty International expressed concern for the safety and fair treatment of 29 East Timorese who entered the US Embassy grounds in Jakarta on 12 November, and some 35 others reportedly detained by Indonesian security forces in Jakarta in connection with the protest.[1] It also expressed concern for the safety of at least 16 East Timorese detained following three days of rioting and clashes with security forces in Dili, the capital of East Timor, between 12 and 15 November.

After ten days in the US Embassy compound, the group of 29 decided on 21 November to accept the Portuguese Government's offer of asylum, and left Indonesia three days later. The whereabouts of some 35 others detained by security forces on 12 November remains uncertain. Several were reported to have gone into hiding after being released, but there is concern that some at least remain in custody, either in Jakarta or in East Java. There is also uncertainty about the number, identity and whereabouts of those detained in Dili since 12 November. According to official sources 30 East Timorese were being held and facing trial as of 23 November. Amnesty International has obtained a list of some 125 people reportedly detained between 12 and 14 November, and is seeking clarification of their whereabouts. In view of clear evidence that some protesters were badly ill-treated in Dili, there is concern for the safety of all those still in custody. Finally, Amnesty International is concerned that some of those detained in connection with the protests and unrest may be tried and imprisoned for their non-violent political activities or beliefs.

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Amnesty International welcomes the efforts of all parties involved - in particular the International Committee of the Red Cross (ICRC), and the governments of Portugal, the United States and Indonesia - in facilitating the safe departure of the 29 East Timorese from Indonesia. It notes, however, that the Government of Indonesia has additional human rights responsibilities in connection with the 12 November protests. It urges the authorities to work together with non-governmental human rights organizations, and foreign governments with diplomatic representatives in Jakarta, to:

- promptly clarify the name and fate of all those detained, however briefly, by its security forces in connection with the 12 November protests.

- clarify the precise charges to be brought against those detained in Jakarta and Dili in connection with the protests and unrest.

- release immediately and unconditionally anyone detained solely for their non-violent political activities or beliefs.

- conduct prompt and impartial investigations into all reports of ill-treatment, torture, and arbitrary detention, and ensure that those believed responsible are brought to justice.

Amnesty International welcomes indications that Indonesia's National Human Rights Commission is undertaking investigations into the fate of those arrested in connection with the 12 November protests in Jakarta and Dili. In the interest of allaying anxiety and uncertainty about their fate, it urges that the results of any such inquiry promptly be made public.

KEYWORDS: ARBITRARY ARREST1 / TORTURE/ILL-TREATMENT1 / INCOMMUNICADO DETENTION / MASS ARREST / DETENTION WITHOUT TRIAL / DEPORTATION / STUDENTS / POLITICAL ACTIVISTS / JOURNALISTS / FOREIGN NATIONALS / REFUGEES / DEMONSTRATIONS / CIVIL UNREST / ASYLUM / POLICE / MILITARY / PHOTOGRAPHS /

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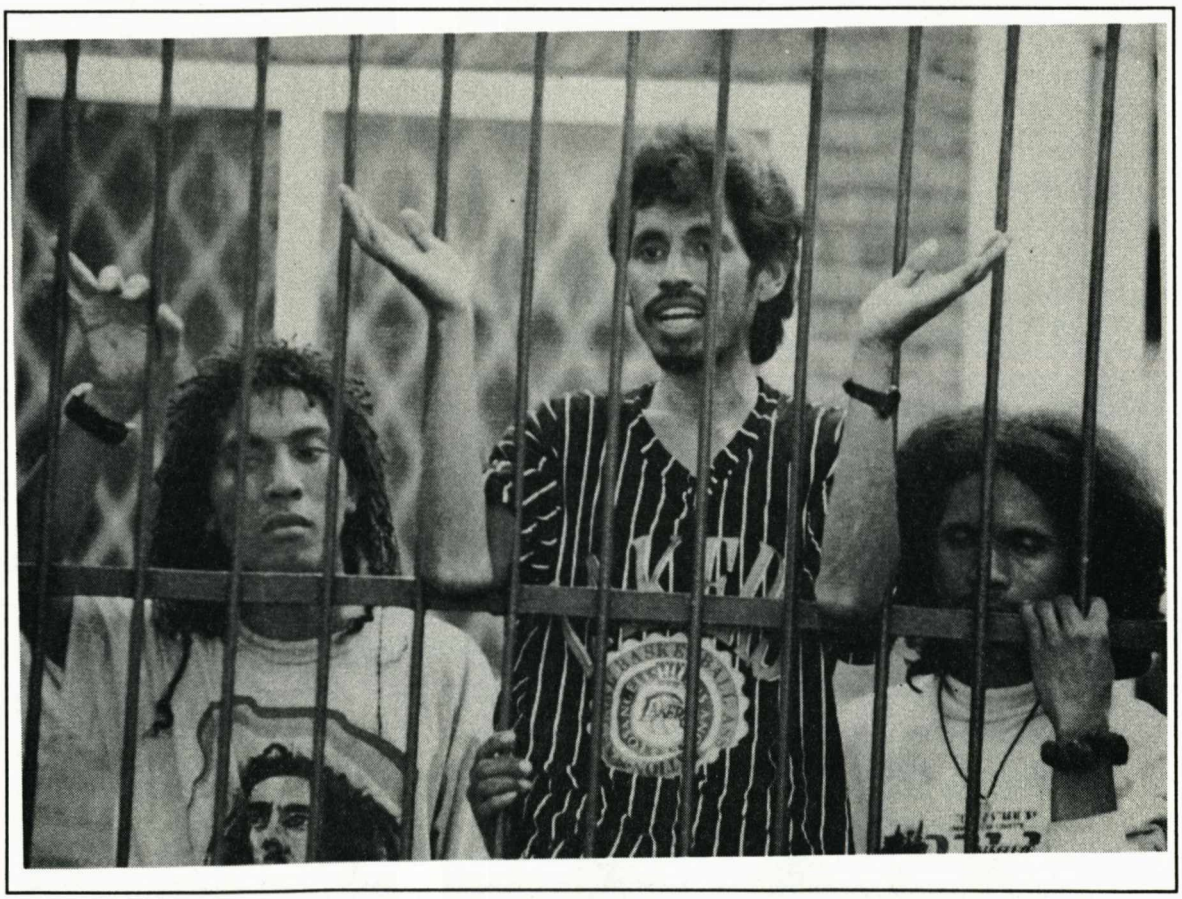

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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

Front cover:
East Timorese students talk to the press behind the US Embassy compound bars on 15 November 1994. After ten days in the US Embassy compound, the group decided on 21 November to accept the Portuguese Government's offer of asylum, and left Indonesia three days later. **© Muchtar Zakaria/AP**

INDONESIA & EAST TIMOR

Update on the 12 November Protests

Introduction

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Amnesty International welcomes the efforts of all parties involved - in particular the International Committee of the Red Cross (ICRC), and the governments of Portugal, the United States and Indonesia - in facilitating the safe departure of the 29 East Timorese from Indonesia. It notes, however, that the Government of Indonesia has additional human rights responsibilities in connection with the 12 November protests. It urges the authorities to work together with non-governmental human rights organizations, and foreign governments with diplomatic representatives in Jakarta, to:

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1. The Jakarta Protest

Twenty-nine East Timorese who entered the US Embassy compound in Jakarta on 12 November decided on 21 November to accept the Portuguese Government's offer of political asylum. While noting that the 29 had not entered the embassy to seek asylum, Amnesty International welcomes the measures taken to facilitate the group's safe departure from Indonesia.[2]

The decision to accept asylum appeared to be based in part on fear of retribution from Indonesian authorities. Announcing the decision, the group's spokesperson, **Fernando Sarmento Alves**, said:

> *It's a hard decision for us because we want to go back to East Timor. But based on our experience here, where Indonesian intelligence officers have continually been threatening us, we feel we should leave (Indonesia).*[3]

[2] The group's concerns were detailed in a petition to US President Bill Clinton. A copy of the petition is attached to this report as the Appendix.

[3] Reuters, 22 November 1994.

An additional consideration was the fact that some of them were suffering from ill-health. Two of the 29 had left the embassy on 20 November to receive medical attention, and several others were reported to be ill after ten days living in a parking lot with only rudimentary sleeping and sanitary facilities.

The Fate of the Detained

The whereabouts of some 35 East Timorese reportedly detained in Jakarta on 12 November, and about 30 others who evaded arrest, remained unclear on 23 November. Some were believed to have gone into hiding after being released, but there is concern that some may still be in custody either in Jakarta or in East Java. Police and military authorities have denied having any of the group in custody.

Notwithstanding official denials, Amnesty International remains concerned for the safety of those detained, however briefly, in connection with the 12 November protest. It calls on the Indonesian authorities to cooperate with the National Human Rights Commissions and non-governmental human rights organizations in clarifying their identities and their current whereabouts.

Police authorities in Jakarta and East Java continue to claim that all of those detained on 12 November have been released and permitted to return to the towns in East Java - including Malang, Kediri and Jember - where they lived. On 21 November police authorities in East Java said: "*We just recorded their identity and then let them go*"[4] As of 23 November ten East Timorese were known to have returned home to Malang, but they remained in hiding for fear of arrest. The whereabouts of some 30 others who went to Jakarta from Malang remained a mystery. And of some 20 who went to Jakarta from the towns of Kediri and Jember, none were known to have returned home by 23 November. A lawyer from the Surabaya, East Java, office of Indonesia's premier rights organization, the Legal Aid Institute (LBH), said on 21 November: "*Their fate is not clear. The police always refuse to comment*".[5]

Significantly, police statements about the East Timorese detainees appear to refer only to those who came to Jakarta from East Java for the protest. Yet at least some of those detained on 12 November are believed to have been residents of Jakarta. It is unlikely that they would have been returned to East Java, and so concern remains that

[4] Reuters, 21 November 1994.

[5] Reuters, 21 November 1994.

they may still be in custody somewhere in Jakarta, possibly at the regional military intelligence headquarters, Bakorstanasda.

Military authorities have categorically denied that there were any arrests at all in Jakarta, and have told independent observers who have gone to Bakorstanasda headquarters in search of the detainees that they are not there. On 21 November, an unnamed military source dismissed Amnesty International's concern that some might still be in detention as "baseless".[6] However, Amnesty International remains concerned that some may be held at Bakorstanasda headquarters, or other military facilities in the Jakarta area.

Amnesty International also remains concerned for the safety of a number of East Timorese summoned by military authorities in Bandung, West Java, and possibly other cities in Indonesia in the aftermath of the 12 November protest. Commenting on the military action against East Timorese, the Director of Indonesia's Legal Aid Institute (LBH), Adnan Buyung Nasution said:

> *It seems to be happening all over (Indonesia). They are being summoned, interrogated, and asked to sign statements denouncing the students (who entered the US Embassy).*[7]

Among those about whom there is concern are three East Timorese students summoned by military authorities in Bandung on 14 November and asked to sign a statement on behalf of their student's organization (Impettu) condemning the actions of the 29 who entered the US Embassy. The students reportedly refused to do so on the grounds that Impettu is a non-political organization. Then, fearing possible retribution from the military, the three fled to Jakarta where together with a number of others they sought refuge at the LBH. Accompanied by LBH Director, Adnan Buyung Nasution, the students went to speak to a member of the National Human Rights Commission. Unfortunately, the Commission was unable to provide any concrete solution to their problem, and so they returned to Bandung where they remained fearful of retribution by the military.

[6] Reuters, 21 November 1994.

[7] Reuters, 17 November 1994.

2. Unrest in Dili

The pro-independence protests and at times violent unrest in Dili, described in Amnesty International's earlier report, continued with only minor interruption until 18 November.[8] Foreign journalists who witnessed some of the violence first hand said that it appeared to have been deliberately provoked by men in plainclothes with the knowledge of the police.

On 15 November, a group of some 300 university students clashed with security forces at Universitas Timor Timur (Untim), after police tried to break up a pro-independence gathering there. The same day a group of some 50 highschool students peacefully demonstrating near the Mahkota Hotel in Dili were reportedly surrounded by police. About 20 students fled into Catholic Diocese compound nearby, but the rest were said to have been detained for questioning at police headquarters, and some were reported to have been beaten.

On 16 November, security forces began to conduct house to house searches in Dili, reportedly arresting scores of people suspected of involvement in the unrest.[9] Arrests were also reported in smaller towns. Informed sources said that in three villages of Liquica - Maumeta, Dato and Lauhata - all the young people were detained for questioning. It was not known whether any were held after questioning. Describing the pattern of arrests, East Timor's Catholic Bishop, Carlos Felipe Ximenes Belo, said "*The military soldiers entered the houses and arrested young people without any kind of explanation*".[10] He added that those arrested had been beaten and that some had been hospitalized.

Violence erupted again in Dili on 18 November as pro-independence protesters clashed with riot police and a group of pro-Indonesian demonstrators in plainclothes. The clash occurred in the vicinity of the Catholic cathedral in Dili, where some 300-400 East Timorese had gathered in the afternoon for a Catholic mass, unexpectedly cancelled by police authorities. With riot police surrounding the cathedral, and as a group of foreign journalists looked on, some of the East Timorese brought out banners and began to shout pro-independence slogans. Within moments fighting broke out as men in plainclothes attacked the protesters and threw their banners to the ground. At least two men from the

[8] For details of the protests and unrest from 12 to 14 November, see Indonesia & East Timor: The 12 November Protests, 15 November 1994 (ASA 21/53/94).

[9] Reuters, 17 November 1994

[10] New York Times, 22 November 1994.

pro-Indonesian side, whose names are not yet known, were said to have been badly beaten by pro-independence protesters.

Some journalists who were at the scene said that the group of pro-Indonesian supporters appeared to be working with the police, and suggested that the violence may have been deliberately provoked by members of this group.[11] They said that after the protesters began to wave their banners, a group of men in civilian clothes began to throw rocks into the crowd, causing some injuries. One said that those throwing rocks had been standing close to Indonesian riot police. Shortly after the hail of rocks began, riot police fired tear gas into the crowd, causing confusion and further injuries as hundreds of people ran for safety. Police authorities then ordered all foreign journalists who had not already fled to leave the cathedral compound. One journalist who was forced to leave described the scene:

> *There were riot police everywhere - with batons, shields and heavy helmets and they began to surround the outside of the Cathedral. The last sight we got looked like a standoff with rioting continuing inside the cathedral grounds - the police outside the grounds.*[12]

The stand-off ended peacefully some two hours later. Following negotiations between Bishop Belo of Dili and the security forces, those in the cathedral were assured that they would suffer no retribution, and so returned home.

Indonesian military and police authorities sought to blame foreigners, and particularly journalists, for provoking the trouble. As of 22 November, four journalists had been deported on the grounds that they did not have proper credentials; and a Japanese television crew was under investigation, accused of encouraging East Timorese to pose with their pro-independence banners. An Australian national, Andrew McNaughton, was reportedly questioned for several hours about his links with pro-independence groups, before being deported. Announcing the decision on 19 November, Dili's police chief, Andreas Sugianto, said:" *It is against the law to conduct political activities in other people's countries...He was involved in local politics and was in the midst of the demonstration... We will be deporting him today*"[13]

[11] BBC News Hour, 18 November 1994; SBS TV (Australia), 18 November 1994.

[12] SBS TV (Australia), 18 November 1994.

[13] Reuters, 19 and 21 November 1994.

Arrests in Dili

Uncertainty remains about the precise number, identity and whereabouts of the people detained since the start of the unrest in Dili. Amnesty International is urging the Indonesian authorities to clarify publicly the identities of all those still detained, the place of their detention, and the charges against them. It is also calling on the authorities to release immediately anyone detained solely for their non-violent political activities or beliefs.

On 15 November police authorities in East Timor said that of some 80 people detained only 16 remained in custody. The following day the Armed Forces Commander, General Feisal Tanjung, announced that 27 were being held, and on 21 November the military commander in East Timor, Colonel Kiki Syahnakri, revised the figure again saying that 22 East Timorese were in custody.[14] On 23 November, East Timor's police chief, Andreas Sugianto, said 30 were being held, eight of whom had been arrested the previous night.[15]

Independent sources have claimed that the number detained is significantly higher, and Amnesty International has obtained a list of 125 people said to have been detained between 12 and 14 November. Based on past experience, it is probable that many of those named on the list were released after questioning. Amnesty International is making the list available to independent observers and human rights organizations in the hope that it may assist them in clarifying the identity and whereabouts of all those detained.

Charges and Trials

Military and police officials have said that those currently in detention are being held on suspicion of committing criminal acts, including arson and assault, in the course of the unrest. Amnesty International does not condone such acts of violence and recognizes the duty of police authorities to bring those responsible to justice. However, it remains concerned that security forces may have used the week-long violence as a pretext to detain well-known pro-independence activists whether or not they committed criminal acts.

This concern has been heightened by the claims of eyewitnesses that some of the violence may have been provoked by members the security forces, or those working with

[14] Radio Republic Indonesia, 16 November 1994; Reuters, 21 November 1994.

[15] Reuters, 23 November 1994.

them. Concern has also been heightened by official statements, including one by General Feisal Tanjung, to the effect that the unrest was provoked and exploited by pro-independence activists for political purposes.[16] Similar accusations have formed the basis for the criminal prosecution and imprisonment of dozens of student activists, human rights advocates, labour leaders, and also East Timorese pro-independence protesters in the past year.

Excessive Force and Ill-treatment

Indonesian security forces acted with more restraint during the week of unrest in Dili than they had on previous occasions, such as the Santa Cruz massacre when up to 270 peaceful protesters were killed. This was a welcome development which may in part be explained by the presence of foreign journalists and television crews. Nevertheless, there was clear evidence that members of the security forces had used excessive force in dealing with the protesters, in some cases leading to serious injury.

A young East Timorese man, **Domingos da Silva**, who had assisted a German television crew was so severely beaten by plainclothes security officials that his face was "unrecognizable". The beating occurred when Domingos took the initiative of explaining to military authorities why he had helped the German crew out of the chaos. A member of the German crew who directly witnessed the beating, provided Amnesty International with the following account of the incident:

> *After filming this event, we desperately tried to get out...but this was impossible because there was a fence around the cathedral and soldiers surrounded the area. Our attempts were watched by a young Timorese, who offered to help us out of there and bring us safely back to our hotel. His only condition: "Let us, after calm is restored, go together to the army headquarters and explain to the officers that I only helped you because of humanitarian and not political reasons. We discussed this request several times and eventually agreed because the young man, who was terribly scared that the secret police had taken photographs of him, insisted. We approached the headquarters and the young man tried to explain the case, assisted by us, to the officers. But from the first moment he did not have a single chance. After aggressive verbal reactions by the soldiers he was taken by plainclothes agents and severely beaten up and kicked by these terrible men, who really reacted in a fascist manner. After eight to ten minutes we succeeded to pull our bleeding companion out of the struggle and bring him,*

[16] Kompas, 17 November 1994.

> *followed by a stone-throwing gang of agents, to our hotel. There we informed a Swiss doctor from the Red Cross, who is now taking care of him.*

A correspondent for the British Broadcasting Corporation (BBC) who saw Domingos as he arrived at the hotel, reported that:

> *He has blood streaming down his back and one side of his face is so swollen it's unrecognizable. They thrashed the living daylights out of him - he owes his life to the German crew who seized him and dragged him away from the police as they were beating him.*[17]

Dozens of people were known to have suffered minor injuries in the course of unrest, and some had to be hospitalized. Given the clear evidence of ill-treatment in the case of Domingos da Silva, it is likely that at least some of those injuries were inflicted by members of the security forces using excessive force. This evidence further heightens concern for the safety of those still in custody.

4. International Response

The 12 November protests and arrests in Jakarta and East Timor evoked unusual public expressions of concern about human rights by a number of governments, including Canada, Japan, Portugal and the United States. Some governments, notably the United States and Portugal, also took concrete measures to guarantee the safety of the 29 who had entered the US Embassy compound.

US Secretary of State, Warren Christopher, said President Clinton had raised human rights issues "*in firm and forceful terms*" in a meeting with Suharto, adding that:

> *The relationship between the United States and Indonesia can never reach its highest level if the people of the United States don't have confidence that there is an effort here to respect the human rights of all the citizens.*[18]

Later, US Government officials announced that they would consult with the group of 29 to determine whether they wished to accept the offer of asylum from the Government of Portugal. After establishing that the 29 did wish to accept the offer, US

[17] BBC World Service, News Hour, 18 November 1994.

[18] Reuters, 16.11.94

Embassy officials worked closely with the International Committee of the Red Cross (ICRC) to facilitate their safe departure at the earliest possible date.

A number of other governments have also spoken out about human rights issues and some have made efforts to establish the whereabouts of those still in detention. Amnesty International welcomes these initiatives, and notes that such direct intervention may have helped to prevent human rights violations. However, the danger of further violations remains, and concrete measures are needed to prevent them. Amnesty International therefore urges governments with diplomatic representatives in Jakarta to continue with their efforts in order to guarantee the safety of others still detained in connection with the 12 November protests, and to ensure that those detained solely for their non-violent political activities or beliefs are immediately and unconditionally released.

***

Appendix

Petition to US President Bill Clinton from East Timorese Protesters at US Embassy in Jakarta, 12 November 1994

The Honourable President of the United States of America, Mr Bill Clinton. On behalf of the East Timorese student and worker communities, we come to you today, Mr President, to present the following petition.

It is our wish, on this occasion of the Third Anniversary of the massacre of 12 November 1991, to remind the world that demands for a serious and independent investigation of the Santa Cruz slayings have gone unheeded purely and simply as a result of the West's economic relations with Jakarta and that a systematic violation of human rights in the form of the repression of students, persecution, intimidation, detention and torture continue in East Timor to this day.

Given that we are rapidly approaching the year 2000, set as the time limit for the total eradication of all forms of colonialism and oppression of Peoples;

Given that under your Administration, the United States has proven once again to the world its moral responsibility in relation to the defence of the universal principles of freedom, justice and peace with the successes it has achieved in the difficult Middle East peace process, in the prevention of a second invasion of Kuwait by Iraq and your government's support of the restoration of democracy in Haiti;

We wish to remind you, Mr President, of the 19 year old conflict in East Timor. It is our hope that, in an effort to redress the error of President Ford who, during his stay in Indonesia just days prior to the fateful day of 7 December 1975, gave the green light to Indonesia's military invasion and occupation of East Timor, you will be prepared to make use of the great moral stature achieved by the United States of America through its condemnation of the violation of the fundamental rights of human beings and peoples to make the following demands of President Suharto:

1. The release of East Timorese Resistance Leader, Kay Rala Xanana Gusmão, and of all East Timorese political prisoners.

2. That the President of Indonesia, who has stated his preparedness to engage in dialogue with anti-integration elements, agree to the participation in such talks of the true representatives of the People of East Timor, including members of the four components of the Resistance: the East Timorese Church, CNRM, UDT and Fretilin.

3. That Jakarta grant access to an independent and impartial mission with the aim of conducting a serious investigation into the Santa Cruz massacre.

The Jakarta regime fails to acknowledge the universal nature of Human Rights, arguing that cultural considerations and those of a socio-economic nature must be taken

into account. It is this understanding of Human Rights which the regime relies upon to justify its violation of the same in Indonesia. We therefore appeal to you, Mr President, to remind President Suharto,

1. of the existence of elderly and incapacitated Indonesian political prisoners who should, as a matter of urgency, be granted amnesty;

2. of the existence of Indonesian political prisoners who after 30 years in jail continue to face the death penalty.

Finally, we appeal to you to exert pressure upon Jakarta,

1. to recognise the right of Indonesian workers to organise, to assemble and to freedom of expression,

2. to free union leaders Muchtar Pakpahan and Amosi whose "crimes" are their defence of the rights of Indonesian workers.

We firmly believe that the ethical concerns which have guided America's foreign policy in relation to other countries extend also to Indonesia, and thus we deposit great hope in the decisive influence which the United States of America is able to bring to bear in realising a solution to the East Timor case which constitutes a flagrant violation of universal principles (of Human Rights) and of International Law.

Jakarta, 12 November 1994

With the highest consideration,

On behalf of East Timorese workers

On behalf of East Timorese students